Project Oak Hill, LLC
935 Moraga Road, Suite 200
Lafayette, California 94549

Date: April 8, 2025

To: Jeannie Eisberg, AICP, Contract Planner-City of Lafayette
Via email only: jeisberg@ci.lafayette.ca.us

From: Brian Griggs

Re: 1001 Oak Hill Road Multi Family Residential Development Application

Dear Jeannie,

Please find our Density Bonus application which includes our requested incentive/concession.

We would like to see your proposed final conditions of approval prior to publication if possible.

Thank you !

Brian

1001 Oak Hill Road
Density Bonus Application

The 1001 Oak Hill Road is providing five (5) very low-income inclusionary units (6% of the 73 Base Units), which pursuant to the California State Density Bonus Law (Sec. 65915) ("SDBL") allows (i) an increase over the base density allowed by the SRB-60 zoning of the property, (ii) waiver(s) of Development Standard(s), and (iii) concessions/incentives. The SDBL was adopted to encourage cities to offer bonuses and incentives to housing developers to "contribute significantly to the economic feasibility of lower income housing in proposed housing developments". Specifically, for 1001 Oak Hill Road, the base zoning will allow up to 60 units per acre, which in our case, equates to 72.3 units. Pursuant to the SDBL, the base units are rounded up (to 73). Above these 73 base units, the formula set forth in both the SDBL ordinance and the City of Lafayette's adopted Density Bonus Ordinance (Chapter 6-36 of the Lafayette Municipal Code (LMC)) is applied. Using the table in LMC Chapter 6-3604 (b), the 5 very low inclusionary units equate to 6% of the base unit count, which subsequently allows for up to a 22.5% density bonus increase (17 units) for a total allowable project size of 90 units (i.e. 73 base units + 17 bonus units = 90 units). In addition, pursuant to the SDBL, the project qualifies for both "Waivers" and "Incentives/Concessions".

The SDBL clearly separates and defines Waivers and Incentives/Concessions. Specifically, a Waiver is a reduction or waiver of site development standards that would otherwise "**physically preclude**" the construction of an affordable housing project. An Incentive/Concession (*which for purposes herein we will just call a "Incentive"*) relates not to "physically precluding" issues (e.g. the actual site plan, design, height, setbacks), but rather to "**identifiable, financially sufficient, and actual cost reductions**" for the project. It is very important that Waivers and Incentives are not mixed up as the SDBL allows for unlimited Waivers, but only a stipulated number of incentives depending upon the level of affordability provided in the project. In this case, 1001 Oak Hill Road is allowed one (1) incentive given the level of affordability as set forth in LMC Chapter 3-3610 (a) (2) as our project makes "at least five percent of the total units affordable to very low income households".

Under the SDBL, the City is required to waive or reduce development standards if required to physically construct the project unless it makes specific findings that any such proposal will cause a public health or safety problem, an environmental problem, harm to historical property, or otherwise violates the law. Specifically, development standards are defined in the SDBL in section 65915(o)(1) as follows:

> *(o) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation."*

In accordance with the provisions of LMC Chapter 6-3613, we formally submit the following required information:

- *A description of the residential development project including the proposed total number of affordable housing units, senior housing units or mobile home park units*
    - The project consists of ninety (90) condominium units of which five (5) will be sold as very low-income units and six (6) will be sold as moderate income units. We will enter into an Inclusionary Housing Agreement with the City that will be recorded against the property to ensure compliance with City of Lafayette requirements.
- *The zoning, general plan designations, and assessor's parcel number(s) of the project site;*
    - The property is zoned SRB-60, the General Plan designation is Downtown Core, and the assessor's parcel numbers are 243-030-033-1, 243-030-038-0, 243-030-020-8, and 243-030-041-4
- *A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout*
    - The submittal set includes all requested information.
- *A description of the concessions or incentives requested (NOTE: these are both waivers and concessions/incentives as the City's required questions do not differentiate between them)*
    - The waivers requested include all site development standards that the project does not meet and that would **"physically preclude"** the project from being constructed including, specifically but not limited to, the following:
        - Height (increase maximum height)
        - Setbacks (upper story setbacks)
        - Parking Design (drive aisle width and pedestrian circulation)
        - Ground-Level Landscaping
        - Building Design (maximum floor area on floors)
        - Other site development standards that are determined to be non-conforming
    - We have elected to use of the one concession/incentive for a waiver of the requirement for public art/payment of an art "in-lieu" fee
- *If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to provide the affordable housing units*
    - No additional incentive(s) are being requested